IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 22242 of 2007(W)

PETITIONER:

GOPINATHAN NAIR, CONDUCTOR GRADE II
(RTD), PEROORKADA DEPOT,
RESIDING AT: 'GOPIKA', PARIYARAM,
VENCODE P.O., VATTAPPARA, THIRUVANANTHAPURAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN

RESPONDENTS:
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1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF TRANSPORT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. STATE BANK OF INDIA,
PERSONAL BANKING BRANCH, KESAVADASAPURAM,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS BRANCH MANAGER.

R1 BY SHRI JOHNSON P. JOHN, SC, KSRTC.

R2 BY SR. GOVERNMENT PLEADER (SHRI K.J. MOHAMMED ANZAR)

R3 BY ADV. SRI.P.V.SURENDRANATH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 22242 OF 2007 W

Dated this the 19th July, 2007

JUDGMENT

Petitioner retired as Conductor on 31.5.2006. He claims out of turn payment of pensionary benefits. The reason stated is indebtedness to the third respondent. It is stated that the petitioner is in immediate threat of being dispossessed from the only residential building. When the matter came up for admission, I heard the learned counsel appearing for the parties. Learned counsel appearing on behalf of the third respondent Bank would submit that the property has in fact been taken possession of. This shows that the case of the petitioner that he is indebted and recovery steps are taken, is correct. Having regard to all facts, I feel that the petitioner should be granted some benefit overlooking seniority. Accordingly, the Writ Petition is disposed of directing the first respondent to disburse to the third respondent the entire amount due to the petitioner as DCRG or Commuted Value of Pension whichever is higher, in

the Loan Account of the petitioner, within a period of two weeks from the date of production of a copy of this Judgment. The balance amount will be paid in accordance with the seniority.

K. M. JOSEPH, JUDGE

kbk.